STAND. COM. REP. NO.

2861

Honolulu, Hawaii

MAR 1 3 2014

RE: S.C.R. No. 18

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.C.R. No. 18 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT NIU, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND STEPS, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands at Niu, Honolulu, Oahu, for the maintenance and repair of the existing seawall and steps, and for use, maintenance, and repair of the existing improvements constructed thereon.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that around 2003, the Department of Land and Natural Resources worked with the owners, Mitch and Barbara D'Olier, to resolve the encroachments of a seawall and steps on state submerged lands fronting the property identified as Tax Map Key: (1) 3-7-002: seaward of 040, Niu, Honolulu, Oahu. On September 17, 2003, the Department's Office of Conservation and Coastal Lands determined that the seawall and steps were not conservation district violations and the Office



had no objection to the issuance of an easement to resolve the encroachments. At its meeting of March 1, 2004, under agenda item D-2, the Board of Land and Natural Resources approved a grant of a 55-year non-exclusive easement to resolve the encroachments.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 18 and recommends that it be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Water and Land,

MALAMA SOLOMON\ dhai

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*	Committee Referral:		Dat	Date:	
SCR 18	WTL,	WAM	1 =	3/10/	14
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)					
GALUTERIA, Brickwood (VC)					/
DELA CRUZ, Donovan M.					
IHARA, Jr., Les					/
RUDERMAN, Russell E.					
SHIMABUKURO, Maile S.L.		/			
TANIGUCHI, Brian					
THIELEN, Laura H.		✓			
SLOM, Sam					
				•	
TOTAL		9			4
Recommendation: Adopted Not Adopted					
<u> </u>					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	n: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes